



Frank S. Simone  
Government Affairs Director

Suite 1000  
1120 20<sup>th</sup> Street, NW  
Washington DC 20036  
202-457-2321  
202-263-2660 FAX  
fsimone@att.com

October 20, 2003

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S. W. – Room TWB-204  
Washington, D. C. 20554

Re: *Ex parte*, CC Docket No. 96-149, Verizon Petition for Forbearance from  
the Prohibition of sharing Operating, Installation, and Maintenance  
Functions Under Section 53.203(a)(2) of the Commission's Rules

Dear Ms. Dortch:

On Friday, October 17, 2003, Robert Quinn, Aryeh Friedman and the undersigned, representing AT&T, met with Jeffrey Carlisle, Brent Olson, Crisiti Shewman, and Narda Jones of the Commission's Wireline Competition Bureau. The purpose of the meeting was to review AT&T's position in the above-captioned proceeding. Specifically, we discussed (1) Verizon's request that the Commission take action that Section 10(d) of the Communications Act expressly forbids, (2) Verizon's failure to produce any credible evidence that the OI&M safeguard has imposed any costs on Verizon, and (3) that no matter how costly compliance with the OI&M safeguards is claimed to be, so long as there is a "strong connection" between those safeguards and the protection of long distance competition, they are "necessary" within the meaning of Section 10 and forbearance may not be granted. Each of these issues is discussed fully in the attached written ex parte submissions previously filed with the Commission.

In addition, we argued Section 10(d) of the Communications Act categorically forbids the Commission from forbearing from the requirements of section 251(c) and section 271 until the Commission "determines that those requirements have been fully implemented." This plain statutory language means that the Commission cannot simply permit Verizon's petition to be "deemed" granted by the Commission under section 10(c) by failing to act on it in the time period specified by section 10(c). Section 10(d) is an express "limitation" on the scope of section 10, and unambiguously requires that the Commission "*determine*" that the "requirements" of section 251(c)

and section 271 have *in fact* "been fully implemented" before forbearance from a requirement of those provisions be granted, whether expressly granted by Commission action under section 10(a) or "deemed" granted by Commission's inaction under section 10(c).

Consistent with Section 1.1206 of the Commission's rules, I am filing one electronic copy of this notice and request that you place it in the record of the above-captioned proceeding.

Sincerely,

A handwritten signature in dark ink, appearing to read "P. J. Simon". The signature is fluid and cursive, with the first name "P. J." and the last name "Simon" clearly distinguishable.

ATTACHMENTS

cc: J. Carlisle  
N. Jones  
A. Kearney  
B. Olson  
C. Shewman  
J. Stanley